

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

DEBORAH L. LESER,

Plaintiff,

v.

INDIANAPOLIS PUBLIC SCHOOLS; THE
BOARD OF SCHOOL COMMISSIONERS FOR
THE CITY OF INDIANAPOLIS; MARY ANN
SULLIVAN; Individually and in her Official
Capacity; SAM ODLE, Individually and in his
Official Capacity; LANIER ECHOLS,
Individually and in her Official Capacity;
MICHAEL O'CONNOR, Individually and in
his Official Capacity; GAYLE COSBY,
Individually and in her Official Capacity;
KELLY BENTLEY, Individually and in her
Official Capacity; and DIANE ARNOLD,
Individually and in her Official Capacity,

Defendants.

Cause No. 1:16-cv-2044-TWP-DLP

**SUPPLEMENT IN SUPPORT OF PLAINTIFF'S
MOTION FOR LEAVE TO FILE AMENDED COMPLAINT**

Plaintiff Deborah L. Leser, by counsel, respectfully submits this Supplement in Support of her *Motion for Leave to File Amended Complaint* [Dkt. [66](#)]. In support of this Supplement, Ms. Leser states as follows:

1. On February 26, 2018, IPS produced documents to Ms. Leser that support Ms. Leser's *Motion for Leave to File Amended Complaint* [Dkt. [66](#)]; thus, Ms. Leser is submitting this *Supplement in Support of Plaintiff's Motion for Leave to File Amended Complaint* that was originally filed on December 28, 2017.

2. Although Ms. Leser initially served her Request for Production on all Defendants on October 13, 2017, following a telephonic status conference with the Court and counsel for IPS on November 14, 2017 as well as subsequent discussions with counsel for IPS regarding Ms.

Leser's discovery requests, Ms. Leser revised her initial requests and served *Plaintiff's Revised First Request for Production of Documents* on Defendants on December 6, 2017.

3. On January 19, 2018, counsel for IPS produced documents to Ms. Leser, but stated that it was "an initial production only." Counsel for IPS further stated that because of an unexplained "technical issue," they would "produce all remaining non-privileged responsive documents as soon as it is corrected." The documents produced by IPS on January 19, 2018 had all been previously produced in response to Ms. Leser's public records request on June 6, 2016.

4. After several emails and letters were exchanged between counsel for Ms. Leser and counsel for IPS, IPS finally produced additional documents (though not all) on February 26, 2018 – long Ms. Leser filed her *Reply in Support of Plaintiff's Motion for Leave to File Amended Complaint*. [Dkt. [74](#)].

5. Based on many of the documents provided by IPS on February 26, 2018, it is now clear that Dr. Lewis Ferebee – the Superintendent of IPS that Ms. Leser is seeking to add as a Defendant in this matter – was one of the first individuals to learn about the Shana Taylor incident.¹

6. Le Boler, the Chief Strategist at IPS, emailed Dr. Ferebee on February 17, 2016 at 6:21 P.M. to inform him of the allegations made by a student's parent. *See* Ex. 1. Ms. Leser had just reported the allegations to Ms. Boler. *Id.*

7. This was only about thirty (30) minutes after Mr. Jensen reported the allegations to Tina Hester, the then Human Resources Operation Officer at IPS. *See* Ex. 2. Ms. Hester immediately informed Shalon Dabney, then a Human Resources Case Manager at IPS.

¹ Because Defendants are seeking a Protective Order in this matter [Dkt. [81](#)] and because Defendants have admittedly withheld documents until a Protective Order is entered, Ms. Leser may require additional supplementation to support her *Motion for Leave to File Amended Complaint* [Dkt. [66](#)] once Defendants produce additional documents. Ms. Leser filed *Plaintiff's Response in Opposition to Defendants' Motion for Entry of Protective Order* today, March 12, 2018.

8. In addition to Dr. Ferebee, Ms. Leser is also seeking to add Ms. Boler, Ms. Hester and Ms. Dabney as Defendants in this matter. Ms. Boler, Ms. Hester and Ms. Dabney also learned of the allegations immediately after Ms. Leser and Mr. Jensen.

9. Moreover, in its opposition to Ms. Leser's Motion for Amend, IPS claimed that Dr. Ferebee "did not make the decision to end Leser's employment." [Dkt. [70](#) at 25]. This is false.

10. It is clear from IPS's own emails between Dr. Ferebee and Ms. Hester on March 14, 2016 that Dr. Ferebee did make the decision to cancel Ms. Leser's contracts. *See* Ex. 3.

11. Furthermore, IPS had already planned to terminate Ms. Leser as well as the HR Department was merely "waiting to exhaust[] appeal timelines before [it] place[d] Leser and Jensen on the personnel report." *See* Ex. 4. This was on June 10, 2016 prior to Ms. Leser's hearing.

12. Because IPS withheld documents from Ms. Leser until after Ms. Leser filed her *Motion for Leave to File Amended Complaint* [Dkt. [66](#)] and *Reply in Support of Plaintiff's Motion for Leave to File Amended Complaint* [Dkt. [74](#)], Ms. Leser now submits this *Supplement in Support of Plaintiff's Motion for Leave to File Amended Complaint*.

WHEREFORE Deborah L. Leser respectfully submits this Supplement in Support of Plaintiff's Motion for Leave to File Amended Complaint and respectfully requests leave to file her Amended Complaint, and further requests all other just and proper relief.

Respectfully submitted,

s/ Jamie A. Maddox

Kevin W. Betz, Atty. No. 14188-82

Jamie A. Maddox, Atty. No. 26522-49

Attorneys for Plaintiff Deborah L. Leser

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed electronically on the 12th day of March, 2018. Notice of this filing will be sent to all counsel of record by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/ Jamie A. Maddox _____

Jamie A. Maddox

BETZ + BLEVINS

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Message

From: Lewis Ferebee [ferebee@myips.org]
Sent: 2/17/2016 6:37:34 PM
To: Le Boler [bolerle@myips.org]
Subject: Re: Longfellow Incident

Thank you for update. I will follow up with Dr. Hester.

Lewis D. Ferebee, Ed. D. | Superintendent | **Indianapolis Public Schools** | 120 E Walnut St, Indianapolis, IN 46204 | www.myips.org

Proud to be Public

On Feb 17, 2016, at 6:21 PM, Le Boler <bolerle@myips.org> wrote:

Lewis-

Deb Leser just called to inform me that a Longfellow parent claimed this evening that her son is having an intimate relationship with a female teacher. At this time, she has no reason to think the parent is going to the media. The matter has been referred to Dr. Hester. The investigation will begin in the morning. I'll keep you posted as I learn of developments.

-L

Le Boler | Chief Strategist | Indianapolis Public Schools | 317.226.3225-o | www.myips.org | Proud to be Public



Shalon Dabney

From: Tina S. Hester
Sent: Wednesday, February 17, 2016 5:46 PM
To: Shalon Dabney
Subject: Meeting in the Morning

Just received a phone call from Mr. Jenson, the AP at Longfellow and I asked him to send Shana Taylor, school counselor to your office in the morning. She has been accused of having sexual relations with a student. The mom reported it to school officials this evening. We need to of course suspend her pending our investigation. In cases like this It is critical that she doesn't have contact with the student or anyone in the district except you. We are get mom to send us what she has on her phone and they will take a statement from the student tomorrow. Ask her directly if they have had an intimate relationship. Ask her if she has exchanged or given him any pictures of herself nude or given him any kind of pictures. Ask her if she has ever purchased anything for the student. Then take her statement regarding any interactions with the student.

The student is Redacted - FERPA

Best regards,
Tina



Tina S. Hester, Ed.D | Human Resource Operations Officer | Indianapolis Public Schools | 120 E Walnut St, Indianapolis, IN 46204 | 317.226.4580 (o) | 317.226.4016 (f) | hesterts@myips.org | Proud to be Public



Message

From: Tina S. Hester [hesterts@myips.org]
Sent: 3/17/2016 9:15:15 PM
To: Le Boler [bolerle@myips.org]
Subject: Discipline

This is the only thing I can think of on this matter. He was willing to reassign her Sunday/Monday to Step Ahead. Did his position change after discussing with the board on Tuesday? He had conferred with counsel before he sent the email on Sunday. This is not a hill to die on but I just want a win/win for everybody.

Sent from my iPhone

Begin forwarded message:

From: Lewis Ferebee <ferebeel@myips.org>
Date: March 14, 2016 at 11:05:57 AM EDT
To: "Tina S. Hester" <hesterts@myips.org>
Cc: Wanda Legrand <legranwa@myips.org>
Subject: Re: Leser Discipline

Yes, this works but I would like to know more about the Lew Wallace situation as well. We shouldn't mention the reassignment at this point because we may terminate.

Lewis

Lewis D. Ferebee, Ed. D. | Superintendent | **Indianapolis Public Schools** | 120 E Walnut St, Indianapolis, IN 46204 | www.myips.org

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On Mar 14, 2016, at 10:13 AM, Tina S. Hester <hesterts@myips.org> wrote:

I would like to suggest that we suspend today through spring break and have her report to Step Ahead April 4 since this is the last week for the students before the break. The morning of April 4 Dr. Legrand would have a conversation with Deb's team and share the assignment. She has an admin contract so her salary has to stay the same.

Will that work?

From: Lewis Ferebee
Sent: Monday, March 14, 2016 10:07 AM
To: Tina S. Hester <hesterts@myips.org>
Cc: Wanda Legrand <legranwa@myips.org>
Subject: Re: Leser Discipline



We need to bring her in today and inform her of the suspension and I would also ask about this situation as well.

Lewis

Lewis D. Ferebee, Ed. D. | Superintendent | **Indianapolis Public Schools** | 120 E Walnut St, Indianapolis, IN

Proud to be Public

On Mar 14, 2016, at 9:05 AM, Tina S. Hester <hesterts@myips.org> wrote:

Good morning,

I just received another report from Lew Wallace concerning Deb. The BAF stated that she email Deb several months ago about how Jeremy was handling the students and she never responded. I will have the employee to forward the emails.

Sent from my iPhone

On Mar 13, 2016, at 11:02 PM, Lewis Ferebee <ferebeel@myips.org> wrote:

Tina-

I have reviewed the independent factual findings of the Investigation of IPS's Internal Processing of Parent's Complaint Against Shana Taylor. According to the report, both school administrators contacted their supervisor, Deborah Leser, Director of Student Services, advising her of the parent's allegations and requesting guidance. There was no discussion between Mr. Jensen and Ms. Leser nor Mr. Consand and Ms. Leser about reporting the matter to CPS.

Ms. Leser told Mr. Jensen to immediately contact the HR Director and follow HR's directions and provided similar guidance to Mr. Consand once he got involved. This very concerning given that Ms. Leser acknowledged the duty for reporting according to policy, law and procedure and failed to provide direction accordingly. Furthermore, student services manages CPS reporting. As the immediate supervisor to Mr. Cosand and Longfellow, proper guidance was not provided when directing school leadership to solely contact HR for handling.

I recommend we suspend Ms. Leser and reassign her. Please follow up with Dr. Legrand on placement.

Lewis

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Lewis D. Ferebee, Ed.D. | Superintendent | Indianapolis Public Schools | 120 E Walnut St, Indianapolis, IN 46204 | www.myips.org

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<DC8E8C96-E64D-4C06-AC30-DA72127C4BC7[496].png>

Message

From: Mindy Schlegel [schlegelm@myips.org]
Sent: 6/10/2016 5:29:28 PM
To: Wanda Legrand [legranwa@myips.org]
Subject: FW: June Personnel Report
Attachments: image001.png; June Board.docx; headers.822

Dr. Legrand,

Please see attached first draft of the June personnel report. As we discussed, it is missing Dabney & Hester. Also, can you ask Dr. Ferebee or Joe about copies of their resignation letters?

We're also waiting to exhausted appeal timelines before we place Leser and Jensen on the personnel report. I also wanted to ask about extending the DSA for Denise until we find someone?



Mindy Schlegel | Talent Officer | **Indianapolis Public Schools** | 120 E. Walnut St., Indianapolis, IN | 46204 |
office: 317.226.3699 | schlegelm@myips.org | cell: 317.601.2414 | **Proud to be Public**

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